* ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 89-299-A Porten Sullivan Corporation

AMENDED ORDER

* * * * * * * * * * *

WHEREAS, the Petitioners reques od variances to permit minimum building separations of as close a: 10 feet in lieu of the required 30 fect, to permit as close as 20 feet between the center of facing windows of different dwelling units on the same subdivision tract in lieu of the permitted 40 feet, and to permit a minimum distance from window to property line of 4 feet in lieu of the required 15 feet, as more particularly described on the plan submitted identified as Petitioner's Exhibit 1;

WHEREAS, a hearing was held on January 31, 1989 with Protestants presenting testimony in opposition of the relief requested;

WHEREAS, by Order issued April 13, 1989 the relief requested was granted in part and denied in part and subject to restrictions;

WHEREAS, pursuant to the receipt of a request by Counsel for Petitioner for a continued hearing to amend the Order issued April 13, 1989, a continued hearing was held on July 6, 1989 at which time additional testimony and evidence were presented by both the Petitioners and the Protes-

WHEREAS, an amended site plan and additional facts and testimony were presented by Petitioners to show the practical difficulty and unreasonable hardship they would suffer if the relief requested were not granted in its entirety;

WHEREAS, after due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, an amended Order should be issued. While the Protestants' concerns are very honest and understandable, I do not believe the proposed development will detract from any of the adjoining properties. In fact, I believe the development as shown on Petitioner's Exhibit 1A is going to benefit the community's general welfare overall. In my opinion, there is no improper increase in density resulting from Petitioners' proposed use of the subject property and the type of homes that will be built are appropriate for J.R. 2 zoned

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____day of August, 1989 that the Order issued April 13, 1989 be and the same is hereby AMENDED and the Petition for Zoning Variance to permit minimum building separations of as close as 10 feet in lieu of the required 30 feet, to permit as close as 20 feet between the center of facing windows of different dwelling units on the same subdivision tract in lieu of the permitted 40 feet, and to permit a minimum distance from window to property line of 4 feet in lieu of the required 15 feet, in Saccordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subjust, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) letitioners shall comply with all variance indications for all luts as set forth on the amended plan submitted and identified as Petitioner's Exhibit 1A.

3) Potitioners and/or future property owners shall not request any further side yard variances for lots 13 through 22 and Lots 27 through 36 of Patapsco Woods, Section Two.

4) When applying for a building permit, the site plan and lanscaping plan filed must reference this case and set forth and address the restrictions of this Order.

5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

6) Petitioners shall provide a copy of this Order to all purchasers of Lots 13 through 22 and Lots 27 through 36 of Patapsco Woods, Section Two so that they may be aware of the restrictions contained herein as to side yard variances.

> Zoning Commissioner for Baltimore County

JRH:bjs

cc: Mr. & Mrs. H. Mengers 1008 Hilton Avenue, Catonsville, Md. 21228

Mr. John O'Donnell 601 Hilton Avenue, Catonsville, Md. 21228

Robert Greenwalt, Esquire Maiden Choice Lane, Suite 813, Catonsville, Md. 21228

Mr. Albert Gettier c/o All-Saints Sisters of the Poor 601 Maiden Choice Lane, Catonsville, Md. 21228

People's Counsel

- 2-

ers' Exhibit 1 clearly identifies all of the requested variances for each lot and individually list the nature and extent of those requested variances, if granted. The Petitioners' witnesses also detailed the reason for the clustered development and the reduced size and area of the lots in question. Most of the testimony dealt with the unique nature of the entire tract known as Patapsco , ods and the off-site physical constraints caused by the one hundred year flood plain, the hydraulic soils contained on portions of the project and the desire to maintain open space areas.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

The issue before the Zoning Commissioner is whether or not the proposed variances comply with the technical requirements of Section 307.1 of the B.C.Z.R. Specifically, it is an issue of whether or not the particular requested variances comply with the spirit and intent of the B.C.Z.R. and/or whether or not there is any practical difficulty or unreasonable hardship. I do not believe that the granting of blanket variances for lots 13 through 36 of Patapsco Wood, along Basswood Court, would be consistent with the D.R.2 zoning regulations. There are certain hardships and there are certain solutions which would enable appropriate development. The relief requested is unnecessary for the problem that exist. The Petitioner does not really need all of the relief that has been requested. Therefore, the requested variances as delineated on Petitioners' Exhibit 1 should be granted in part and denied in part, as more particularly set forth below in the Order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be denied in part and granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12/2 day of April, 1989 that the Petition for Zoning Variances from Section 1801.2.C.1 to permit minimum building separations of as close as 10' in lieu of the required 30' and, from Section 1801.2.C.2.b to permit as close as 20' between the center of facing windows of different dwelling units on the same subdivision tract in lieu of the permitted 40' and V.B.6.b (CMDP) to permit a minimum distance from window to property line of 4' in lieu of the required 15', as more particularly described on Petitioner's Exhibit 1 be and is hereby DENIED.

IT IS FURTHER ORDERED by the Zoning Commissioner that the Petition for Zoning Variance for Lot #15 for a variance to Section 1B01.2.C.1 for a building separation of 12' in lieu of the required 30' and from V.B.6.b. window to property line of 4' in lieu of the required 15', for Lot #17 a variance to Section 1801.2.C.1 for a building separation of 12' in lieu of

required 30' and from Section 1801.2.C.2.b to permit as close as 20' between the center of facing windows of different dwelling units on the same subdivision tract in lieu of the permitted 40' and V.B.6.b (CMDP) to permit a minimum distance from window to property line of 4' in lieu of the required 15', as more particularly described on Petitioner's Exhibit 1. The Petitioners appeared, testified and were represented by Robert Hoffman, Esquire. The Petitioners were supported in their testimony by D.S. Thaler and John A. Ciresi. Mr. James Mohler and Mr. Tom Booth of Catonsville 2000 appeared as interested parties only.

. ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 89*299 A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1801.2.C.1 to

permit minimum building separations of as close as 10' in lieu of the

IN RE: FETITION FOR ZONING VARIANCE

1st Election District

Porten Sullivan Corp.

Contract Purchaser:

Legal Owner:

E/S Hilton Ave. at Basswood Ct.

Diversified Homes Master Ltd.

Patapsco Woods, Section Two

1st Councilmanic District

Partnership, Petitioners

There were a number of Protestants who appeared and testified; namely, Mr. and Mrs. H. Mengers and Mr. John O'Donnell. Robert Greenwalt, Esquire representing his mother, Marian Greenwalt, and a neighbor, Eleanor Peters. Mr. Albert Gettier appeared as an interested party for the All Saints Sisters of the Poor.

the required 30' and from V.B.6.b window to property line of 4' in lieu of the required 15', for Lot #23 for a variance to Section 1B01.2.C.1 for a building separation of 10' and 12' in lieu of the required 30' and from V.B.6.b. window to property line of 14' in lieu of the required 15', for Lot #29 for a variance to Section 1B01.2.C.1 for a building separation of 14' in lieu of the required 30' and to 1B01.2.C.2.b for a distance related to windows of 22' in separation in lieu of the required 40', for Lot #31 for a variance to Section 1B01.2.C.1 for building separation of 12' and 14' in lieu of the required 30', for Lot #33 for a variance to Section 1B01.2.C.1 for a building separation of 12' in lieu of the required 30' and for Lot #35 a variance to Section 1B01.2.C.1 for a building separation of 12' in lieu of the required 30', as more particularly described on Petitioner's Exhibit 1 be and is hereby granted, subject, however, to the following restrictions:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

2. The Petitioner shall comply with all variance indications as listed on Petitioners Exhibit 1 for Lots 15, 17, 23, 29, 31, 33 and 35.

> West Junes Zoning Commissioner for Baltimore County

cc: Peoples Counsel D.S. Thaler, 11 Warren Road, Pikesville, Maryland 21208

Mr. John A. Ciresi, 214 Clay Hill Circle, Cockeysville, Md. 21030 Mr. J. Mohler, Catonsville 2000, 2 W. Rolling Crossroads, Suite 203, Catonsville, Md. 21228

Mr. T. Booth, Catonsville 2000 Mr. and Mrs. H. Mengers, 1008 Hilton Avenue, Catonsville, Md. 21228 Mr. John O'Donnell, 601 Hilton Avenue, Catonsville, Md. 21228 Robert Greenwalt, Esquire, Suite A, 813 Maiden Choice Lanc,

The Petitioners are requesting variances for all of the lots shown on Petitioners' Exhibit 1 along Basswood Court in the subdivision known as Patapsco Woods. The testimony and evidence tends to indicate that the requested variances are to enable the Petitioner to develop Basswood Court with homes of a larger floor area and size then would normally be permitted. Specifically, the homes listed in Petitioners' Exhibit 2 under the Estate Series are planned for this development. The home causing the greatest intrusion under the Baltimore County Zoning Regulation (B.C.Z.R.) requirements for a D.R.2 development is the Amberly.

The Amberly is approximately 53' wide along the front wall and would not properly fit upon the average 70' lots shown on Petitioners' Exhibit 1. Specifically, the Petitioners testified that their market analysis indicate that the demand for large two story homes with attached garages dictates that this type of housing be developed on this land.

The Protestants specifically object to the granting of blanket variances for development of a particular neighborhood or subdivision. More specifically, the Protestants object to the granting of blanket variances. They believe the variances cause an intrusion into what they perceive to be an appropriate D.R.2 community. Mr. Greenwalt specifically objects to the granting of any variances for lot 13 and 36 along Hilton Avenue because of the placement of those homes closer to the Protestants' homes across Hilton Avenue. The Protestants firmly believe that the requested variances are purely for the economic profit of the Petitioner and not to fulfill any fundamental need of the particular land in question.

The Petitioners' witnesses all testified to the requirements set forth under Seccion 307.1 of the B.C.Z.R. concerning variances. Petition-

-4-

Mr. Albert Gettier c/o All-Saints Sisters of the Poor, 601 Maiden

Choice Lane, Catonsville, Md. 21228

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

April 12, 1989

Dennis F. Rasmussen

Robert Hoffman, Esquire John B. Howard, Esquire Cook, Howard, Downes and Tracey 210 Allegheny Avenue Towson, Maryland 21204

> RE: Petition for Zoning Variance Porten Sullivan Corp./ Diversified Homes Master Ltd. Partnership Case No. 89-299 A

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Robert Hunes Robert Haines / Zoning Commissioner

cc: Peoples Counsel

D.S. Thaler, 11 Warren Road, Pikesville, Maryland 21208 Mr. John A. Ciresi, 214 Clay Hill Circle, Cockeysville, Md. 21030 Mr. J. Mohler and Mr. T. Booth, Catonsville 2000, 2 W. Rolling Crossroads, Suite 203, Catonsville, Md. 21228 Mr. & Mrs. H. Mengers, 1008 Hilton Ave., Catonsville, Md. 21228 Mr. John O'Donnell, 601 Hilton Avenue, Catonsville, Md. 21228 Robert Greenwalt, Esq. Su. 813 Maiden Choice Lane, Balto.Md.21228 Mr. Albert Gettier c/o All-Saints Sisters of the Poor, 601 Maiden Choice Lane, Catonsville, Md. 21228

fcotprints as shown will prevent any adverse impact on the surrounding neighborhood;

4. Testimony provided in the previous hearing proved that an undue hardship or practical difficulty will result if the requested variances are not granted and that the granting of these variances in accord with the revised variance plat would be within the spirit and intent of the Baltimore County Zoning

Regulations. It is, therefore, respectfully requested that a continued hearing to Amend the April 12th Findings of Fact and Conclusions of Law be held as expeditiously as possible to take further testimony on the variances requested in accordance with the revised variance plat.

Attorney for Petitioner

CERTIFICATE OF MAILING

I hereby certify, that on this _____ day of May, 1989, a copy of the aforegoing was mailed to the following:

D.S. Thaler, 11 Warren Road, Pikesville, Maryland 21208 Mr. David Meacham, 214 Clay Hill Circle, Cockeysville, Maryland 21030 Mr. J. Mohler and Mr. T. Booth, Catonsville 2000, 2 W. Rolling Crossroads, Suite 203, Catonsville, Maryland 21228

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89.299.

#187

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- ميرريخ CATE

1000 16 F.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 1801.2.C1 to permit minimum building separations of Variance from Section as close as 10 ft. in lieu of the permitted 30 ft. and from Section 1801.2.C.2b to permit as close as 20 ft. between the center of facing windows of different dwelling units on the same subdivision tract in lieu of the permitted 40 ft. and V.B.6.b to permit a minimum distance from window to property line of 4 ft. in lieu of the required 15 ft the required 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the 1A following reasons: (indicate hardship or practical difficulty)

To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Diversified Homes Master Legal Owner(s): Limited Partnership, a Maryland Porten Sullivan Corporation Limited Partnershin (Type or Print Name) Black Month wing Signature Alan Stackman Signature B. Paul Montgomery, Vice President Corporate Vice President 3 Rethesda Metro Center, Suite 900 (Type or Print Name) Bethesda, Maryland 20814 City and State Attorney for Petitioner:

John B. Howard, Esquire 8015 Dorsey Run Road 379-5115 (Type or Print Name) John B Howard Rit Jessup, Maryland 20794 O a 210 Allegheny Avenue

Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, Maryland 21204 John B. Howard, Esquire City and State Name 210 Allegheny Avenue Towson, N ryland 21204 823-4111 Attorney's Telephone No.: 823-4111

ORDERED By The Zoning Commissioner of Baltimore County; this 16th day County, on the 31st day of January, 1989, at 9:30 o'clock

Zoning Commissioner of Baltimora County

Mr. and Mrs. H. Mengers, 1008 Hilton Avenue, Catonsville, Mr. John O'Donnell, 601 Hilton Avenue, Catonsville, Maryland Robert Greenwalt, Esquire, Suite A, 813 Maiden Choice Lane, Mr. Albert Gettier c/o All-Saints Sisters of the Poor, 601 Maiden Choice Lane, Catonsville, Maryland 21228

Robert A. Hoffman, Attorney for Petitioner

CERTIFICATE OF POSTING

Tov	mon, Maryland 57 - 277 - A
District Dis	Date of Posting Suns 13-82.
Posted for:	Lead summer
Petitioner: J. M.2m. Market 1	Promo at Barrond Point
	ry Lead owners in avenue at Bancord Pourt
Location of Signs: Part sels of	Helton avenue in front
of subject project	Helton avenue-in-front
(VCI) 44 43	
Posted by Signature	Date of return: Secur 16-59

Number of Signa:

DESCRIPTION TO ACCOMPANY VARIANCE PLAT PATASTCO WOODS, SECTION TWO

Beginning for the same at a point which is North 80° 17'50" East 30.00 feet from the point of intersection of Hilton Avenue with the centerline of Basswood Court; thence, binding upon the easterly right-of-way line of said Hilton Avenue; South 09° 42'10" East 227.38 feet to intersect the dividing line between this land and Patapsco Woods, Section One; thence, binding upon the aforementioned dividing line, North 80° 17'50" East 777.25 feet to a point; thence, North 34°37'49" East 79.39 feet to a point; North 09°42'10" West 140.53 feet to a point; North 20° 03'15" West 31.62 feet to a point; North 07°26'31" West 144.02 feet to a point, and North 52° 50'12" West 81.63 feet to intersect the dividing line between this land and Patapsco Woods, Section Three; thence, binding upon the last mentioned dividing line, South 80°17'50" West 776.92 feet to intersect the aforesaid easterly right-of-way line of Hilton Avenue; thence, binding upon the last mentioned right-of-way line, South 09° 42'10" East 204.52 feet to the point of beginning.

Containing 8.171 acres of land, more or less.

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IN RE: PETITION FOR ZONING VARIANCE E/S Hilton Ave. at Basswood Ct Patapsco Woods, Section Two 1st Election District 1st Councilmanic District

Legal Owner: Porten Sullivan Corp.

Partnership, Petitioners

Contract Purchaser:

 ZONING COMMISSIONER * OF BALTIMORE COUNTY Case No. 89-299-A Diversified Homes Master Ltd.

. BEFORE THE

MOTION FOR A CONTINUED HEARING TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners in the above captioned case respectfully request an Amendment to the Findings of Fact and Conclusions of Law and a hearing thereon and in support of this Motion state the following:

1. Restriction No. 2 contained in the Order dated April 12, 1989 limits the variance relief requested to certain lots along Basswood Court. Without the granting of the requested variances in their entirety, the Petitioners will suffer an undue hardship, since appropriate homes cannot be constructed on all lots;

2. The variance plat, Petitioners' Exhibit No. 1, has been revised to show the footprints of actual buildings to be constructed on each lot, as well as labeling the type of unit the Petitioner intends to construct;

Limiting use of the variances to the specific

ZONING CHACE

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887 3353 J. Robert Haines Zoning Commissioner

Jessup, Maryland 20794

Dale: 6 19 99 Diversified Homes Master Limited Partnership 8015 Dorsey Run Road

Re: Petition for Zoning Variance CASE NUMBER: 89-299-A E/S Hilton Avenue at Basswood Court 1st Election District – 1st Councilmanic Legal Owner(s): Porten Sullivan Corp. Contract Purchaser(s): Diversified Homes Master LTD. Partnership HEARING SCHEDULED: THURSDAY, JULY 6, 1989 at 11:30 a.m.

Dear Fetitioner(s):

Please be advised that \$ 79.69 is due for advertising and posting of the above referenced property. All fees must be paid prior to the bearing. Do not remove the sign and post set(s) from the time it is posted by this office unit! the day of the hearing.

THIS FEE MUST BE PAID AND THE ZORING SIGN & POST SET(S) REFORMED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Paltimage County, Maryland and bring it along with the sign and post set(s) to the Zening Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your bearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION WISCELLANEOUS CASH RECEIPT	No. 0035 17	
	MT 1-01-615-000	- Strines
AMOU	79.69	
PROM: Derolle, fa. 7	- Maura S	
PA	17-277-1	

VALIDATION OF SIGNATURE OF CASHIES

NOTICE OF HEARING Motion for a continued heart usions of law (order dated Ap. 12, 1989). In the event that this Petition is in the event that this pranted, a burking permit may be sailed within the thirty (30) day appeal period. The Loning Commissioner with however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or content at the hearing.

Dennis F. Rasmussen

Publishing Company

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following. □ Booster Weekly Catonsville Times 🗇 Owings Mills Flier Arbutus Times ☐ Towson Flier Reporter Weekly weekly newspapers published in Baltimore County, Maryland

____successive weeks before once a week for_____ _____19____, that is to the_____day of_____ say, the same was inserted in the issues of

PATUXENT PUBLISHING COMPANY

5. Zete Orlan

Petition for Zoning Variance

J. Robert Haines



NOTICE OF HEARING

The Zoning Commissioner of Baltimore Courty, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

CASE NUMBER: 89-299-A E/5 Hilton Avenue at Basswood Court 1st Election District - 1st Councilmanic Legal Owner(s): Porten Sullivan Corp. Contract Purchaser(s): Diversified Homes Master LTD. Partnership HEARING SCHEDULED: THURSDAY, JULY 6, 1989 at 11:30 m.m.

MOTION FOR A CONTINUED HEARING TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW (ORDER DATED APRIL APRIL 12, 1989).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Robert A. Hoffman, Esq. Mr. John A. Ciresi

Mr. J. Mohler/Mr. T. Booth

Mr. & Mrs. H. Mengers Mr. John O'Donnell Robert Greenwalt, Esq. Mr. Albert Geetier, c/o All-Saints Sisters of the Poor D. S. Thaler

Porter Sullivan Corporation Diversified HOmes Master Limited Partnership

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

November 25, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

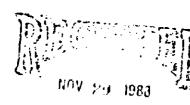
ZAC - Meeting of November 15, 1988 Item Nos. 152, 183, 184, 186, 187, 188, 189, and 190.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 152, 183, 184, 186, 187, 188, 189, and 190.

Traffic Engineer Associate II

MSF/lvw



ZONING OFFICE

PROTESTANT(S) SIGN-IN SHEET

Man Hammer Standard Meller Attender Standard Sta	ADDRESS JOON Flitten Give Boll Hillen Cline (interest of present the server server) 20 Comment the server serve
	* Home of the All Saints Sisters of the Pon.
_	89-2994

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

1008 Hiltanline H M Mingus 601 HILTON AVE 21228 JOHN O DONNELL 1002 Hillon are 21028 1006 7 Kelton are 21228 Marca Greenwalt

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue

Towson, Maryland 21204 Your petition has been received and accepted for filing this 16th day of November , 1988.

Diversified Homes Master Ltd. ROBERT HAINES
Partnership/C.P. - Porten ZONING COMMISSIONER Received by: James E. Dyer Petitioner Sullivan Corp/L.C. Chairman, Zoning Plans Petitioner's

Petitioner's

John B. Howard Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

December 29, 1988

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Contract Purchaser: Diversified Homes

Property Cwner: Contract Fulliager. Diversity Corporation Master Ltd. Partnership, Legal Owner: Porten Sullivan Corporation Dennis F. Rasmussen

Item No.: 187 Zoning Agenda: Meeting of 11/15/88 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. (x) 1. Fire hydrants for the referenced property are required and shall be

located at intervals or 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. New hydrant shall be installed at lot #18.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Eureau Special Inspection Division

			_	
Fich Hoffman		210	ADDRESS Alliclase A	71264
D.S. THAL			REN RO	
- (HN A. C)	iesi		ed Hill Circle	
Jim Mohler - Tom BOOTH - I		Fai CATON L NES	Poll of Cross	
				
	-			
			80	1-299 A
LEASE PRINT CLEARLY	PETITIONER(S)	SIGN-IN SHEET		
			1000000	

PETITIONER(S) SIGN-IN SHEET

NWARREN RD BALT.MD. 21268 10383 Warnly Woods DR. E.C. 21043

CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Petition for Zoning Veriance Case number: 89-299-A E/S Hitten Avenue 8 Basewood Court 1st Election District 1st Election District
1st Councilmanic
Legal Owner(s):
Porten Sullivan Corp.
Contract Purchaser(s):
Diversified Homes Master
LTD. Partnership
Hearing Date: Thursday,
July 6, 1989 st 11:30 a.m. Motion for a continued hearing to amend findings of fact and con-clusions of law (order dated April 12, 1989). In the event that this Pelition is

J. ROBERT HAINES

NOTICE OF HEARING

PLEASE PRINT CLEARLY

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the herring set above or conserted at the hearing.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on June 8, 19 89.

THE JEFFERSONIAN,

5.7ele Olm.

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD WASHINGTON, D. C. MCLEAN, VA ROCKVILLE, MD BEL AIR, MD

RICHARD M. VENABLE (1839-1910) EDWIN G. BAETJER (1868-1945) CHARLES MCH. HOWARD (1870-1942)

C/J/6/138 June 8.

ATTORNEYS AT LAW A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS 210 ALLEGHENY AVENUE P.O. BOX 5517 TOWSON, MARYLAND 21285-5517 (30)) 823-4111 FAX (301) 821-0147

110

August 30, 1989

WRITER'S DIRECT NUMBER IS 301-494-9162

J. Robert Haines Zoning Commissioner for Baltimore County 1st Floor County Office Building Towson, MD 21204

Re: Case No. 89-299-A Amended Order Dated August 7, 1989

Dear Mr. Haines:

This letter will confirm our meeting in which we discussed a potential conflict between the language contained in the original Petition for Zoning Variance and the variances listed and identified with specific building types on Petitioner's Exhibit 1A. You stated that your intent in granting the requested relief was that the amended site plan submitted as Petitioner's Exhibit No. 1A should control the utilization of the variances. This is clearly evidenced in Restriction No. 2 of the Amended Order which reads as follows:

"Petitioners shall comply with all variance indications for all lots as set forth on the amended plan submitted and identified as Petitioner's Exhibit 1A.

If you concur that this was the substance of our conservation, please indicate by initialing the enclosed two copies of this letter and return one to me and place one in your file.

Thank you for your attention to this matter.

Yours truly, Robert A, Hoffman

RAH: cns Enclosures

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 23, 1989

COUNTY OFFICE BLDG. III W. Chesspeake Ave. Towson, Maryland 21204

Department of

Project Planning

Bureau of

Industrial

John B. Howard, Esquire 210 Allegheny Avenue Towson, Maryland 21204 RE: Item No. 187, Case No. 89-299-A

Petitioner: Diversified Homes Master Ltd. Partnership/ Contract Purchaser - Porten Sullivan Corp./Legal Owner Petition for Zoning Variance

Dear Mr. Howard:

Traffic Engineering The Zoning Plans Advisory Committee has reviewed the plans State Roads Commission submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are Health Department made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner Building Department with recommendations as to the suitability of the requested Board of Education Zoning Administration

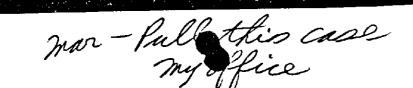
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Chairman Zoning Plans Advisory Committee

JED:dt Enclosures

cc: D. S. Thaler & Associates, Inc. 11 Warren Road Baltimore, Maryland 21208



JUDITH A ARMOLD

JOHN J. GESSNER

J. MICHAEL BRENNAN

JOSEPH F. SNEE, JR

KATHRYN L KOTZ

JAMES M. MARTIN

KEVIN J. MAHONEY

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BRIAN A. BALENSON

JAMES D. C. DOWNES

(1906-1979)

FEB 16 1989

ZONING OFFICE

DEBORAH C. DOPKIN

KATHLEEN GALLOGLY COX

H. BARRITT PETERSON. JE

NEWTON B. FOWLER, III

CHARLES R WELLINGTON

LAW OFFICES COOK, HOWARD, DOWNES & TRACY

210 ALLEGHENY AVENUE P.O. BOX 5517 TOWSON, MARYLAND 21204 P-E58 (10E) NO2WOT

> 205 EAST BROADWAY P.O. BOX B BEL AIR, MARYLAND 21014 BEL AIR (301) 838-8654 BALTIMORE (301) 879-1551

TELECOPIER (301) 821-0147

DIRE T DIAL NUMBER (301) 494-9162

REPLY TO: Towson February 16, 1989

Hand Delivery

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HENRY B. PECK, JR.

FRANK F. HERTSCH

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C. CAREY DEELEY, JR.

ROBERT A. HOFFMAN

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CYNTHIA M. HAHN

MICHAEL E. LEAF

HERBERT R. O'CONOR, TO

DANIEL O'C. TRACY, JR.

Zoning Commissioner for Baltimore County 1st Floor, County Office Building Towson, Maryland 21204

> Re: Case No.: 89-299-A Diversified Homes Master Limited Partnership, Petitioner

Dear Mr. Haines:

At the conclusion of the zoning hearing on the referenced Petition for Variances, you asked that the Petitioner consider a restriction which would require a further hearing following the sale of 35% of the subject lots, in order to determine the appropriateness of the variances on the lots which had not as yet been sold. Your intent was to prevent the construction of all "Amberly" homes (or a substantial portion of Amberly homes) within this section of Patapsco Woods.

Unfortunately, the client and its lenders are not comfortable with such an open-ended order.

1) The Petitioner may apply for his building permit and be

granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his

own risk until such time as the applicable appellate process

from this Order has expired. If, for whatever reason, this

Order is reversed, the Petitioner would be required to re-

turn, and be responsible for returning, said property to its

2) All relief granted herein is limited to the representa-

/Zoning Commissioner c Baltimore County

tion made on Petitioner's Exhibits 2 and 3.

original condition.

JRH:bjs

J. Robert Haines, Zoning Commissioner February 16, 1989 Page 2

Instead, the following restrictions should accomplish a similar result and still give the desired flexibility to the

The Petitioner shall not construct homes of a width, measured along the front of the house, of greater than 53 feet on more than 35% of the subject lots;

2. No two homes of a width, measured along the front of the house, of greater than 53 feet shall be constructed on adjoining lots.

These restrictions would mean that no two Amberly homes (Amberly homes are 58 feet in width) could be constructed on adjoining lots and the total number of Amberly homes would be limited to eight.

I hope that these restrictions are consistent with your intent. If you have any questions, please do not hesitate to

Yours truly,

cc: John A. Ciresi

CATONSVILLE 2000, INC.

"Working For A Better Catonsville Community"

2 W. Rolling Crossroads Suite #203 Catonsville, Maryland 21228

September 27, 1988

To Whom It May Conern:

Please be advised that, at a meeting of the Board of Directors of Catonsville 2000, Inc., held Wednesday, September 14, 1988, the Board Richard W. Decker proposed, considered and unanimously passed the following resolution and Michael L. DeLuca authorization, a quorum being present.

> "Any one or more of the following Board members shall be and is hereby authorized to represent the position of Catonsville 2000, Inc. to any planning, review or zoning board or commissioner or appeals board of Baltimore County, including representation at any CRG meeting, variance, special exception or special hearing, or any appeal therof, on any issue involving Catonsville 2000's designated study area of postal zip code 21228 (Catonsville), south of Baltimore National Pike:

Fran Medicus Thomas Booth James Mohler"

COMMITTEES Entered into the minutes of the Board meeting of September 14, 1988, and LAND USE PLANNING hereby certifed to be true and correct on the date first written above:

PROTESTANT'S EXHIBIT 1

ADVISOR TO THE BOARD William Huey First District Planner Office of Community Planning

OFFICERS

Michael L Deluca

Richard W. Decker

William Holley

Stephen W. Whalen, Jr

Thomas E. Booth

William Liolley

Berchie Manley

Fran Medicus

Harry McGuirk

James W. Mohler

Louis Morsberger

Craig O'Donnell

Paul Stack

Henry Stansbury

Jean Walsh

Stephen W. Whalen, Jr.

STANDING

Henry Stansbury

TRAFFIC & PARKING

Harry McGuirk

Chairman

STREETSCAPE &

ARCHITECTURE

Fran Medicus

Chairwoman

RESOURCE MATERIALS

Stephen W. Whalen, Jr.

BALTIMORE COUNTY, MARYLAND

PETITIONERS

The Petitioner herein requests a special exception to approve the Fourth

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Amended Final Development Plan for Silver Spring Station, Section XI, and a zon-

ing variance to permit 100% of the apartment units to be less than 52 feet in

height in lieu of the maximum permitted 20%, as more particularly described in

quire, appeared and testified. Also appearing as witnesses for the Petitioner

were Kimberly B. Strutt, a general partner of the Durban Road Limited Partner-

ship; George E. Gavrelis, an expert land planner; and Glenn L. Cook, an expert

traffic engineer. Charles B. Hasel, who resides near the subject property, ap-

subject property is located in the community of Perry Hall and is part of a lar-

ger development known as Silver Spring Station. A previously approved final de-

velopment plan for Silver Spring Station showed that the subject property would

be developed with two "clustered" high-rise apartment buildings. The zoning of

the subject property would permit a total of 715 dwelling units in those high-

rise buildings. However, because high-rise apartments would not be in keeping

with the surrounding area and would, in fact, be totally inappropriate for Perry

Hall, the instant Petitions were filed to request approval of the construction

of low-rise, lower-density buildings. The density on the subject property would

The Petitioner, by John B. Howard, Esquire and Robert A. Hoffman, Es-

Testimony profferred by Counsel for the Petitioner indicated that the

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 88-226-XA

IN RE: PETITIONS FOR CHECIAL EXCEPTION AND ZONING VARIANCE - Intersec-

tion of Yvonne Avenue and

11th Election District

5th Councilmanic District

Durban Road Limited Partnership

Darleigh Road

Petitioner

Petitioner's Exhibits 1, 2 and 3.

peared and participated in the hearing.

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director T

FROM Office of Planning & Zoning

#187 Diversified Homes SUBJECT 89-299-A

The applicant is requesting a series of variances for lots located on Basswood Court in a development known as Patapsco Woods. In reference to this request staff provides the following information:

- ° The variances requested by the petitioners effectively create side yard setbacks ranging between 4 feet to 8 feet. The variances have been requested to allow the petitioner flexibility in siting buildings on the lots. At this point in time, however, it appears that the petitioner is uncertain as to the exact location of buildings on the lots because no building footprints have been provided on the site plan.
- ° The density residential concept which maintains a basic integrity of spatial relationships between buildings regardless of lot sizes, window locations, and building sizes needs to be upheld in these types of requests. The primary goal of maintaining building separation to provide for light, air, noise reduction, nuisance reduction, open space and aesthetic visual quality should be maintained within the project. Staff would recommend that a minimum building separation to provided based upon a 45 degree angle from the ridgeline of closest highest point on the structure to the base of the adjoining structure. Using this guideline adequate spatial relationships between buildings can be provided.

Based upon tha analysis conducted and information provided staff recommends approval or the petitioners request subject to the following:

- The petitioner shall provide a building separation distance adequate to maintain a clear 45 degree angle between structures, however, the distance does not need to exceed 20 feet between buildings.
- * The variances shall only apply to the structures as shown on the building permits and applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions or Law", provided by the applicant.

ZONNIA CIFICE

W/S Painters Mill Road, 1400 ZONING COMMISSIONER SW of the c/l of Red Run Blvd. * 2nd Election District OF BALTIMORE COUNTY 3rd Councilmanic District

Painters Mill Assoc. L+d. Partnership - Petitioner

* * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a minimum distance of 40 feet between the centers of facing windows of different apartments in lieu of the required 75 feet, and to permit all dwelling units in buildings of less than 52 feet in height in lieu of the maximum permitted number of 20%, as more particularly described on Petitioner's Exhibit 1.

Case No. 88-343-A

The Petitioner, by John B. Howard, Esquire and Robert A. Hoffman, Esquire, appeared and testified. Also appearing on behalf of the Petition were Catherine Hare Foltz, President of TCR, Maryland, Inc., a general partner of the Contract Purchaser of the subject property; George E. Gavrelis, an expert land planner; Mickey A. Cornelius, an expert traffic engineer; and John A. Luetkemeyer, Jr., a principal of the Legal Owner of the subject property. There were no Protestants present at the hearing.

Testimony profferred by Counsel for the Petitioner indicated that the subject property is located in the Owings Mills growth area on Painters Mill Road is is Phase I of a larger project known as the Village of Painters Mill. The entire project received CRG approval on April 2, 1986 and is zoned predominantly R.A.E. 1.

Under that zoning classification, only 20% of all dwelling units are permitted in buildings of less than 52 fest in height. Looking at the Village of Painters Mill as a whole, Phase I contains only the maximum permitted 20% of all dwelling units in buildings less than 52 feet in height, and thus, is in conformance with the R.A.E. 1 height regulations.

ship, an affiliate of the Trammell Crow Company, a real estate firm, which indicated conclusively that garden apartment housing is the only type of unit which could be developed on this site and that there would be a practical difficulty if the height requirement in the R.A.E. 1 zone had to be met.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March, 1988 that a minimum distance of 40 feet between the centers of facing windows of different apartments in lieu of the required 75 feet, be approved, and that all dwelling units in buildings of less than 52 feet in height in lieu of the maximum permitted 20%, in accordance with Petitioner's Exhibit 1, be permitted, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

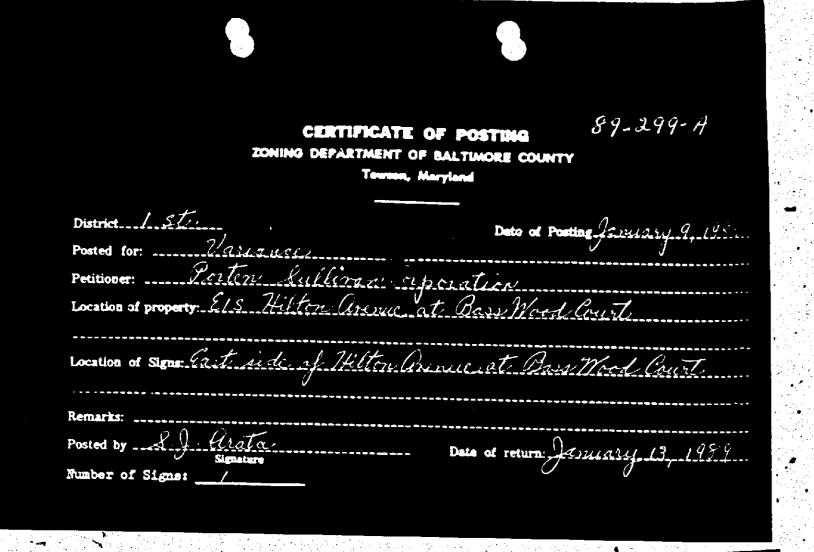
1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haires

Johns Commissioner of
Baltimore County

JRH:bjs

January 30, 1989



CERTIFICATE OF PUBLICATION

TOWSON, MD., January 16_____, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on January 12, 1989.

THE JEFFERSONIAN
TOWSON TIMES,

PO 08948

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case 69-299-A

price \$114.34 \$T+J\$

